

REMARKS

Claims 1-26 remain in the present application. Claims 1, 10 and 21 are amended herein. Applicants respectfully submit that no new matter has been added as a result of the Claim amendments. Applicants respectfully request further examination and reconsideration of the rejections based on the arguments set forth below.

Claim Objections

Claim 1 is objected to due to an informality. Applicants respectfully submit that Claim 1 as amended overcomes this objection.

Claim Rejections – 35 U.S.C. §102

Claims 1-7, 9-11, 14, 21 and 23-24 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Number 6,704,872 to Okada (hereafter referred to as “Okada”). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-7, 9-11, 14, 21 and 23-24 are neither anticipated nor rendered obvious by Okada for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 1 that recites a processor with secure cryptographic capabilities comprising (emphasis added):

a digital secret that comprises a secret key used in a key-based cryptographic process, wherein said digital secret is internally accessible only within said processor;

a cryptography engine for performing said key-based cryptographic process internally within said processor, said cryptography engine coupled to said digital secret;

internal memory coupled to said cryptography engine for supporting said key-based cryptographic process.

Independent Claims 10 and 21 recite limitations similar to independent Claim 1. Claims 2-7, 10-11, 14 and 23-24 depend from their respective independent Claims and recite further limitations to the claimed invention.

Applicants respectfully submit that Okada fails to teach or suggest the limitations of “wherein said digital secret is internally accessible only within said processor” as recited in independent Claim 1. As recited and described in the present application, a digital secret is internally accessible only within a processor. The digital secret comprises a secret key. As such, the secret key is also internally accessible only within a processor.

In contrast to the claimed embodiments, Applicants understand Okada to teach a secret key which is accessible *outside* of the processor. For example, Figure 3 of Okada teaches that a software supplier accesses the secret key and uses the secret key to encrypt data (col. 10, lines 15-34). As such, Okada teaches away from the claimed embodiments by teaching a secret key which is accessible outside of a processor instead of a secret key which is accessible only within the processor as claimed.

For these reasons, Applicants respectfully submit that independent Claim 1 is neither anticipated nor rendered obvious by Okada, thereby overcoming the 35 U.S.C. §102(e) rejection of record. Since independent Claims 10 and 21 recite limitations similar to those discussed above with respect to independent Claim 1, independent Claims 10 and 21 also overcomes the 35 U.S.C. §102(e) rejections of record. Since dependent Claims 2-7, 10-11, 14 and 23-24 recite further limitations to the invention claimed in their respective independent Claims, Claims 2-7, 10-11, 14 and 23-24 are also neither anticipated nor

rendered obvious by Okada. Therefore, Claims 1-7, 9-11, 14, 21 and 23-24 are allowable.

Claim Rejections – 35 U.S.C. §103

Claims 8, 13 and 22

Claims 8, 13 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada in view of United States Patent Application Publication Number 2004/0098591 by Fahrny (hereafter referred to as “Fahrny”). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 8, 13 and 22 are not rendered obvious by Okada in view of Fahrny for the following reasons.

Applicants respectfully submit that Fahrny, either alone or in combination with Okada, fails to cure the deficiencies of Okada discussed above with respect to independent Claims 1, 10 and 21. Specifically, Fahrny fails to teach or suggest the limitations of “wherein said digital secret is internally accessible only within said processor.” Consequently, since Claims 8, 13 and 22 recite further limitations to the invention claimed in their respective independent Claims, Claims 8, 13 and 22 are not rendered obvious by Okada in view of Fahrny. Thus, Claims 8, 13 and 22 overcome the 35 U.S.C. §103(a) rejections of record.

Claim 12

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okada in view of United States Patent Number 6,031,992 to Cmelik et al. (hereafter referred to as “Cmelik”). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention

as recited in Claim 12 is not rendered obvious by Okada in view of Cmelik for the following reasons.

Applicants respectfully submit that Cmelik, either alone or in combination with Okada, fails to cure the deficiencies of Okada discussed above with respect to independent Claim 10. Specifically, Cmelik fails to teach or suggest the limitations of “wherein said digital secret is internally accessible only within said processor.” Consequently, since Claims 12 recites further limitations to the invention claimed in independent Claim 10, Claim 12 is not rendered obvious by Okada in view of Cmelik. Thus, Claim 12 overcomes the 35 U.S.C. §103(a) rejections of record.

Claims 15-17 and 20

Claims 15-17 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada in view of United States Patent Application Publication Number 2004/0025036 by Balard et al. (hereafter referred to as “Balard”). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 15-17 and 20 are not rendered obvious by Okada in view of Balard for the following reasons.

Applicants respectfully submit that Balard, either alone or in combination with Okada, fails to cure the deficiencies of Okada discussed above with respect to independent Claim 10. Specifically, Balard fails to teach or suggest the limitations of “wherein said digital secret is internally accessible only within said processor.” Consequently, since Claims 15-17 and 20 recite further limitations to the invention claimed in independent Claim 10, Claims 15-17 and 20 are not

rendered obvious by Okada in view of Balard. Thus, Claims 15-17 and 20 overcome the 35 U.S.C. §103(a) rejections of record.

Claims 18-19 and 25-26

Claims 18-19 and 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Okada. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 18-19 and 25-26 are not rendered obvious by Okada for the following reasons.

As discussed above, Okada fails to teach or suggest the limitations of “wherein said digital secret is internally accessible only within said processor.” Consequently, since Claims 18-19 and 25-26 recite further limitations to the invention claimed in independent Claims 10 and 21, Claims 18-19 and 25-26 are not rendered obvious by Okada. Thus, Claims 18-19 and 25-26 overcome the 35 U.S.C. §103(a) rejections of record.

Furthermore, page 12 of the rejection takes official notice of the limitation “wherein said digital secret and said internal memory are fully integrated with said cryptography engine to facilitate communication without requiring a bus and which is not susceptible to malicious attack” as recited in Claim 19. Applicants respectfully disagree with this assertion as not properly officially noticed given that the recited claim limitations are not considered common knowledge or well-known to one having ordinary skill in the art. Applicants respectfully direct the Examiner to MPEP §2144.03(E), which states that “[i]t is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based.”

Additionally, as stated in MPEP §2143.03(C): "[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings' to satisfy the substantial evidence test. If the examiner is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding." Accordingly, Applicants respectfully invite the Examiner to provide documentary evidence in the next Office Action if the rejection is to be maintained (see MPEP §2144.03(C); see 37 CFR §1.104(c)(2)).

CONCLUSION

Applicant respectfully submits that Claims 1-26 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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